

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 67949

Eli W. Louk
Margaret M. Louk
1925 Nevill Road
Baltimore, MD 21222

246 Riverview Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 8, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428, failure to cease outdoor storage of all inoperative/untagged vehicles on residential property zoned DR 3.5 known as 246 Riverview Avenue, 21222.

On November 16, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ed Creed issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,600.00 (two thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Eli Louk, Respondent and, Ed Creed, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 15, 2009 for removal of untagged/inoperative motor vehicles, remove contractor's equipment storage yard, remove accumulation of debris and materials. This Citation was issued on November 16, 2009.

B. Inspector Ed Creed testified that one car has been tagged and the Respondent is in the process of obtaining tags for the other vehicle, which is a historic vehicle and required additional steps to obtain valid tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

C. Respondent Eli Louk testified that he will have valid tags for the remaining untagged car within one or two weeks. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by December 28, 2009.

IT IS FURTHER ORDERED that after December 28, 2009, the County may enter the property for the purpose of removing the untagged vehicles at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.